

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

BERNARD BEY,

Plaintiff,

1:24-CV-1281
(GTS/DJS)

v.

ROCNATION, LLC;
MR. SEAN C. CARTER;
LIVE NATION ENTERTAINMENT, INC.;
THE CITY OF ALBANY;
JUSTICE JILL A. KEHN; and
DAVID LEVY,

Defendants.

APPEARANCES:

BERNARD BEY
Plaintiff, *Pro Se*
35 Dwight Street, Apt. 6B
Brooklyn, New York 11231

GLENN T. SUDDABY, United States District Judge

DECISION and ORDER

Currently before the Court, in this *pro se* civil rights action filed by Bernard Bey (“Plaintiff”) against the City of Albany, Albany Family Court Judge Jill Kehn, Albany Family Court Support Magistrate David Levy, Mr. Sean C. Carter, Rocnation, LLC, and Live Nation Entertainment, LLC (“Defendants”) alleging claims under 42 U.S.C. § 1983, is United States Magistrate Judge Daniel J. Stewart’s Report-Recommendation recommending that Plaintiff’s Complaint be dismissed with prejudice, except for his state law claims which should be dismissed without prejudice, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). (Dkt. No. 9.) Plaintiff

has not filed an Objection to the Report-Recommendation, and the time in which to do so has expired. (*See generally* Docket Sheet.)

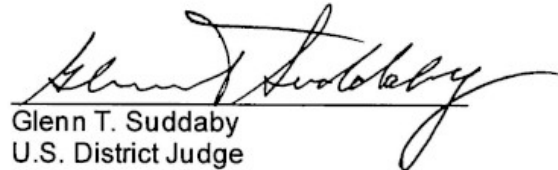
After carefully reviewing the relevant papers herein, including Magistrate Judge Stewart's thorough Report-Recommendation, the Court can find no clear error in the Report-Recommendation:¹ Magistrate Judge Stewart employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. As a result, the Report-Recommendation is accepted and adopted in its entirety for the reasons stated therein and Plaintiff's Complaint is dismissed.

ACCORDINGLY, it is

ORDERED that Magistrate Judge Stewart's Report-Recommendation (Dkt. No. 9) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

ORDERED that Plaintiff's Complaint (Dkt. No. 1) is **DISMISSED** with prejudice, **EXCEPT** for his state law claims which are **DISMISSED** without prejudice to refiling in state court within the applicable limitations period.

Dated: January 31, 2025
Syracuse, New York



Glenn T. Suddaby
U.S. District Judge

¹ When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a clear error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a "clear error" review, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Id.*; see also *Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at *1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) ("I am permitted to adopt those sections of [a magistrate judge's] report to which no specific objection is made, so long as those sections are not facially erroneous.") (internal quotation marks omitted).